



# NOAA Fisheries

## Marine Mammal Protection Act

### List of Fisheries

The Marine Mammal Protection Act (MMPA) requires that every U.S. commercial fishery be placed in one of three categories, depending on the expected frequency of serious injury or mortality of marine mammals incidental to fishing operations.

Fisheries that have high levels of incidental serious injury/mortality of marine mammals are designated as Category I fisheries. Fisheries that are expected to have occasional marine mammal serious injury/mortality are designated as Category II fisheries. Finally, those fisheries whose operations have a remote likelihood of serious injury/mortality of marine mammals are placed in Category III.

Together, the lists of fisheries in each category comprise the MMPA List of Fisheries. The National Marine Fisheries Service (NOAA Fisheries) reviews the best available information on marine mammal bycatch in U.S. fisheries for both the East and West Coasts and publishes an official List of Fisheries in the *Federal Register* each year.

Depending on what category a fishery is placed in, participating fishers must comply with different regulations designed to recover and sustain marine mammal populations.

#### How Fisheries Are Placed in Categories

The category of a fishery is determined using a two-step process. In **Step One**, NOAA Fisheries examines available information for each marine mammal stock and the fisheries with which that stock interacts. For a given stock, if the rate of serious injury/mortality caused by all fisheries together is low relative to the acceptable removal level, or Potential Biological Removal (PBR) for that stock, all fisheries that interact with the stock are designated as Category III fisheries in Step One for that marine mammal stock.

A fishery with a “low” or remote likelihood of take is one that, collectively with other fisheries, is responsible for annual removal of 10% or less of a given stock’s PBR. A “PBR” is defined as the maximum number of animals that can be removed from the stock (by other than natural causes) while allowing the stock to reach or maintain its optimum sustainable level. It is important to note that some fisheries which fall into Category III in Step One after the analysis for a single marine mammal stock may eventually be assigned a higher category once Step Two is complete for all marine mammal stocks

In cases where fishing is responsible for a higher rate of serious injury/mortality (more than 10% of PBR for a given marine mammal stock), all fisheries that have incidental serious injury/mortality of that stock are reviewed in Step Two.

In **Step Two**, interactions between each individual fishery and the marine mammal stock(s) taken in that fishery are analyzed. Fisheries responsible for a serious injury/mortality rate of 50% or more of PBR for any of those stocks are designated as Category I fisheries.

Fisheries responsible for a serious injury/mortality rate of less than 50% but more than 1% of PBR for all interacting stocks are designated as Category II fisheries. Fisheries solely responsible for a serious injury/mortality rate of 1% or less of PBR (or, collectively with other fisheries, less than 10% of a stock’s PBR) are placed in Category III.

In instances where sufficient quantitative information to estimate take relative to PBR is not available, NOAA Fisheries will use the best available information to classify a fishery either directly or by analogy with patterns of marine mammal take in fisheries using similar gear types.

#### Definition of Fishery Categories

When the cumulative fishery serious injury/mortality for a marine mammal stock is greater than 10% of the stock’s PBR, all fisheries that interact with that stock are placed in one of three categories:

- **Category I:** Fisheries that have a serious injury/mortality rate of 50% or more of a stock’s PBR.
- **Category II:** Fisheries that are expected to have a serious injury/mortality rate of more than 1% but less than 50% of a stock’s PBR.
- **Category III:** Fisheries that are expected to have a serious injury/mortality rate of 1% or less of a stock’s PBR.



# The 2003 List of Fisheries

The complete 2003 List of Fisheries is available in the *Federal Register* (68 FR 41725; July 15, 2003) and can be accessed online from the NOAA Fisheries Office of Protected Resources List of Fisheries web page at:  
[http://www.nmfs.noaa.gov/prot\\_res/PR2/Fisheries\\_Interactions/list\\_of\\_fisheries.html](http://www.nmfs.noaa.gov/prot_res/PR2/Fisheries_Interactions/list_of_fisheries.html).

5	Category I fisheries
14	Category II fisheries
51	Category III fisheries
70	Total

## Registration Requirements

- Participation in any Category I or II fishery requires registration in the Marine Mammal Authorization Program (MMAP).
- Fishers participating in any of these Category I and/or II fisheries must be registered in the MMAP by January 1, 2004.
- In the Northeast Region (Maine-Virginia), NOAA Fisheries automatically registers those fishers who hold current state or federal permits. However, those fishers who intend to engage in a fishery for which no state or federal fishing permit is required must register via U.S. Mail using the appropriate forms obtained from NOAA Fisheries. To obtain a registration form or for further information on registration in Atlantic fisheries, contact the NOAA Fisheries Protected Resources Division in the Northeast (**978-281-9328, extension 6505**) or Southeast (**727-570-5312**).

## Other Requirements

### Taking Observers

- Fishers participating in a Category I or II fishery must accommodate observers upon request from NOAA Fisheries.

### Take Reduction Plans and Emergency Regulations

- Fishers participating in a Category I or II fishery must comply with applicable Take Reduction Plans (TRP) and emergency regulations. NOAA Fisheries must implement TRPs for any Category I or II fishery that interacts with a strategic marine mammal stock.

### Submitting Reports

- All vessel owners, whether participating in Category I, II, or III fisheries, must report all incidental injuries or mortalities of marine mammal that occur during commercial fishing operations within 48 hours of returning from the trip in which the injury/mortality occurred.

## Atlantic Fisheries Currently Affected by TRPs

### Atlantic Large Whale TRP

- Northeast Sink Gillnet
- Mid-Atlantic Coastal Gillnet
- Southeast Atlantic Gillnet
- Southeastern U.S. Atlantic Shark Gillnet
- American Lobster Trap/Pot

### Harbor Porpoise TRP

- Northeast Sink Gillnet
- Mid-Atlantic Coastal Gillnet

### Bottlenose Dolphin TRP (in progress)

- Atlantic Blue Crab Trap/Pot
- Mid-Atlantic Coastal Gillnet
- North Carolina Inshore Gillnet
- Southeast Atlantic Gillnet
- Southeastern U.S. Atlantic Shark Gillnet
- Mid-Atlantic Haul/Beach Seine
- North Carolina Long Haul Seine
- North Carolina Roe Mullet Stop Net
- Virginia Pound Net